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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,973	01/15/2002	Jun Nagasawa	S004-4521	5925
40627	7590	05/02/2008		
ADAMS & WILKS 17 BATTERY PLACE SUITE 1231 NEW YORK, NY 10004				
EXAMINER				
QUELER, ADAM M				
ART UNIT		PAPER NUMBER		
2178				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/047,973

Applicant(s)

NAGASAWA, JUN

Examiner

ADAM M. QUELER

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,11-18,21-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11-18,21-24 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Period for Reply

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: RCE and Amendment filed 02/28/2008.
2. Claims 1, 3-8, 11-18,21-24 and 26 are pending in the case. Claims 1, 13, and 24 are independent claims.
3. The objection to claim 6 is withdrawn in view of Applicant's Amendment.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/28/2008 has been entered.

Priority

5. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in JAPAN on 01/24/2001. It is noted, however, that applicant has not filed a certified copy of the 2001-016297 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1,3-8,11-18,21-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art, and further in view of Winer**

(US005796401A, published 8/18/1998), and further in view of Okazaki et al.

(US007079177B2, 7/18/2006). Kelman et al (US006850896B1, 2/1/2005) is cited as evidence regarding drag-and-drop technology.

Regarding independent claim(s) 1, 24, Applicant's Admitted Prior Art teaches a display means (Fig. 3). The display has an printing image displaying area for displaying a report of analyses results (Fig. 1, 1) and an item displaying area for displaying a list of items containing titles and their contents comprised of characters corresponding to the analysis conditions configured to be arranged in the image displaying area (Fig. 3, 2, and para. spanning pp. 1-2). Applicant's Admitted Prior Art teaches the image displaying area was for a printing image (p.1, ll. 17-21).

Applicant's Admitted Prior Art does not explicitly disclose grouping the added items. Winer discloses group editing of the items (col. 3, ll. 13-17), including character position alignment (col. 3, ll. 18-20). Winer discloses that the items contain text (col. 3, ll. 6-11), which inherently include characters and digits. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Applicant's Admitted Prior Art and Winer, thereby applying the group editing for items containing text of Winer to the items containing text in Applicant's Admitted Prior Art in order to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50). This would have added group editing means for performing group editing of items in the same group including character position alignment to the display means of Applicant's Admitted Prior Art. Aligning the items (the dotted boxes, as per the teaching of Winer) in Fig. 3 of Applicant's Admitted Prior Art, which contain titles and their contents, would result also perform character position alignment on the first characters of

each of the items because the text would be moved along with the item because they are part of the item.

Applicant's Admitted Prior Art and Winer do not disclose using drag-and-drop to create a group. Okazaki teaches enabling a user to drag-and-drop an item (member) from one area (group) to a desired position within another area (group) so that the selected item is the second area, and attaching the dropped item (user) to the end of an existing item (other user in the group box) and recognizing both items as belonging to the same group when the existing item is at the same position as the dropped item (Fig. 40, col. 12, ll. 21-33). This teaching would be exemplified by moving "user2" into "Group1" (Fig. 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the drag-and-drop grouping of Okazaki with Applicant's Admitted Prior Art and Winer. This combination would have provided for enabling a user to drag-and-drop an item from the item displaying area of Applicant's Admitted Prior Art to a desired position within the image displaying area of Applicant's Admitted Prior Art, and attached the dropped item to an existing item and having them belong to the same group of Winer. This would have been obvious for the advantages inherent in Okazaki's drag-and-drop, namely that dragging-and-dropping is fast and intuitive. Kelman is cited as evidence of this inherent advantage (col. 13, ll. 1-2).

Regarding independent claim(s) 13, Applicant's Admitted Prior Art teaches a display means (Fig. 3). The display has an image displaying area for displaying a report of sample characteristics (Fig. 3, 1) and an item displaying area for displaying a list of items containing titles and their contents comprised of characters corresponding to the sample characteristics configured to be arranged in the image displaying area (Fig. 3, 2, and para. spanning pp. 1-2).

Applicant's Admitted Prior Art does not explicitly disclose grouping the added items. Winer discloses group editing of the items (col. 3, ll. 13-17), including character position alignment (col. 3, ll. 18-20). Winer discloses that the items contain text (col. 3, ll. 6-11), which inherently include characters and digits. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Applicant's Admitted Prior Art and Winer in order to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50). This would have added group editing means for performing group editing of items in the same group including character position alignment to the display means of Applicant's Admitted Prior Art. Aligning the items (the dotted boxes, as per the teaching of Winer) in Fig. 3 of Applicant's Admitted Prior Art, which contain titles and their contents, would result also perform character position alignment on the first characters of each of the items because they would be moved along with the item because the text are part of the item.

Applicant's Admitted Prior Art and Winer do not disclose using drag-and-drop to create a group. Okazaki teaches enabling a user to drag-and-drop an item (member) from one area (group) to a desired position within another area (group) so that the selected item is the second area, and attaching the dropped item (user) to the end of an existing item (other user in the group box) and recognizing both items as belonging to the same group when the existing item is at the same position as the dropped item (Fig. 40, col. 12, ll. 21-33). This teaching would be exemplified by moving "user2" into "Group1" (Fig. 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the drag-and-drop grouping of Okazaki with Applicant's Admitted Prior Art and Winer. This combination would have provided for enabling a user to drag-and-drop an item from the item displaying area of

Applicant's Admitted Prior Art to the image displaying area of Applicant's Admitted Prior Art, and attached the dropped item to an existing item and having them belong to the same group of Winer. This would have been obvious for the advantages inherent in Okazaki's drag-and-drop, namely that dragging-and-dropping is fast and intuitive. Kelman is cited as evidence of this inherent advantage (col. 13, ll. 1-2).

Regarding dependent claim(s) 3, Applicant admits the font was a display attribute to be changed in the prior art (p. 3, line 2). Applicant's Admitted Prior Art does not explicitly disclose group editing. Winer discloses group editing of the items' attributes, including color (col. 8, ll. 27-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Applicant's Admitted Prior Art and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50). Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to group edit the font (a property desired to be changed in Applicant's Admitted Prior Art), rather than editing each item individually in order to save time (Winer, col. 2, ll. 40-50) and extend the improvement to an attribute that it was common place to edit.

Winer does not explicitly disclose fonts. Applicant admits the font was a display attribute to be changed in the prior art (p. 3, line 2).

Regarding dependent claim(s) 4, Applicant's Admitted Prior Art does not explicitly disclose group editing. Winer discloses group editing of the items, including position adjustment (col. 3, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Applicant's Admitted Prior Art and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 5-8, Applicant's Admitted Prior Art shows the listed items include a title and contents (p. 2, ll. 12-14).

Regarding dependent claim(s) 11-12, Applicant's Admitted Prior Art does not explicitly disclose group editing. Winer discloses group editing of the items, including character position alignment (col. 3, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Applicant's Admitted Prior Art and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 14, Applicant's Admitted Prior Art shows an analysis report including characteristics of a sample and descriptive parameters (Fig. 3).

Regarding dependent claim(s) 15, Applicant's Admitted Prior Art teaches measurement parameters (Fig. 3).

Regarding dependent claim(s) 16, Applicant's Admitted Prior Art teaches sample names and analysis dates (Fig. 3).

Regarding dependent claim(s) 17, 26, Applicant's Admitted Prior Art teaches a menu bar having a property menu (p.3, ll.1-4).

Regarding dependent claim(s) 18, Applicant's Admitted Prior Art teaches font and color (p. 3, line 2).

Regarding dependent claim(s) 22, Applicant's Admitted Prior Art teaches the image displaying area was for a printing image (p.1, ll. 17-21).

Regarding dependent claim(s) 21, 23, Applicant's Admitted Prior Art teaches the areas are disposed adjacently (Fig. 3).

Response to Arguments

8. Applicant's arguments filed 2/28/2008 have been fully considered but they are not persuasive.

Regarding Applicant's all of Applicant's remarks exclusive of p. 14, lines 3-9:

Applicant alleges the boxes in Winer do not correspond to the items recited in the claims. However, Winer is not being used to show these items. Applicant's Admitted Prior Art shows the claimed items. Winer is then used to show an editing technique that would have been applied to items that were similar to the items of Applicant's Admitted Prior Art, in accordance with proper §103 analysis. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding Applicant's remarks on p. 14, lines 3-9:

Applicant alleges that the editing of the boxes does not align the text. However, in accordance with teachings of Winer, aligning the items (the dotted boxes, as per the teaching of Winer) in Fig. 3 of Applicant's Admitted Prior Art, which contain titles and their contents, would result also perform character position alignment on the first characters of each of the items because the text would be moved along with the item because they are part of the item.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM M. QUELER whose telephone number is (571)272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Adam M Queler/
Patent Examiner, Art Unit 2178